

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSEPH A. TRICARIO,

Defendant.

S31 06 CR 08 (LAK)

DEFENDANT JOSEPH A. TRICARIO'S
UNOPPOSED MOTION TO MODIFY
CONDITIONS OF BAIL

UNOPPOSED MOTION TO MODIFY CONDITIONS OF BAIL

Defendant Joseph A. Tricario respectfully requests that this Court modify the conditions of his bail to allow him to accept employment within the Southern District of New York, in addition to employment that may become available in the Eastern District of New York. Mr. Tricario has been unable to find employment in the Eastern District and has been informed by his union that most available projects are in Manhattan. His ongoing unemployment presents a severe financial hardship to his family. The Government **does not oppose** this modification and Mr. Tricario does not otherwise seek modification of the conditions of his pretrial release.

Background

Mr. Tricario was arrested on May 30, 2007 on the basis of a criminal complaint alleging one count of violating 18 U.S.C. § 894(c). On that date, the Honorable Frank Maas set the following bail package: a \$5 million personal recognizance bond, co-signed by four financially responsible individuals and secured by \$1 million in cash or property; home incarceration with electronic monitoring; travel within the Southern and Eastern Districts of New York; surrender of travel documents (and no new applications); pretrial

supervision; and no direct or indirect contact with the alleged victim. Mr. Tricario was released from post-arrest detention on June 19, 2007. The Government obtained a superseding indictment that was filed July 30, 2007, charging one count each of violating 18 U.S.C. § 892, 18 U.S.C. § 894 and 18 U.S.C. § 1951(b)(3).

On September 5, 2007 this Court entered an order modifying the conditions of Mr. Tricario's bail to allow him to work within the Eastern District of New York only, subject to verification of employment and site visits by Pretrial Services. Mr. Tricario has remained in good standing with Pretrial Services at all times. He does not seek to modify monitoring or any conditions of bail other than extending the area in which he is permitted to work to the Southern District of New York.

Mr. Tricario Has Been Unable to Find Employment in the Eastern District

Mr. Tricario has sought employment through his union, but has not been able to find employment in the Eastern District. His union offered him a position on a project in the Bronx, but Mr. Tricario refused it because current conditions of release do not allow him to accept employment in the Southern District.

Mr. Tricario has contacted the union hall, and has also contacted foremen and other union members he knows to try to find work in the Eastern District. He has not found any work available through his union in the Eastern District, and has been told that most projects currently available through his union are in Manhattan.

CONCLUSION

ACCORDINGLY, Defendant Joseph A. Tricario respectfully requests that the conditions of his bail be modified to allow him to accept employment in the Southern District of New York, as well as in the Eastern District. The Government does not oppose this modification.

Dated: New York, New York
November 12, 2007

/s/ John A. Basinger
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